

## REMARKS

This application has been reviewed in light of the Office Action dated April 21, 2003. Claims 1, 3-9, and 11-17 are presented for examination, of which Claims 1, 9, and 17 are in independent form. Claims 2, 10, and 18-20 have been canceled, without prejudice or disclaimer of subject matter. Claims 1, 3, 9, 11, and 17 have been amended to define more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1-3, 6-11, and 14-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,351,558 (*Kuwata*). Claims 4, 5, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kuwata*, in view of U.S. Patent No. 5,491,759 (*Naoi et al.*); and Claims 18-20 were rejected under § 103(a) as being unpatentable over U.S. Patent No. 4,893,345 (*Matsumoto*) and *Kuwata*. Cancellation of Claims 2, 10, and 18-20 renders their rejections moot.

As shown above, Applicant has amended independent Claims 1, 9, and 17 in terms that more clearly define the present invention. Applicant submits that these amended independent claims, together with the remaining claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to an image processing apparatus. The image processing apparatus includes a detector, a generator, and a corrector. The detector detects an image area of an inputted image, not including a frame image. The generator generates correction information of the detected image area, and the corrector corrects the image area based on the generated correction information. The detector detects the frame image, which has gradation, by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest have a same hue and a difference

between lightness and saturation having a predetermined value or less.

One of the notable features of Claim 1 is that the image processing apparatus detects a frame that has gradation by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest have a same hue and a difference between lightness and saturation having a predetermined value or less. That is, the image processing apparatus uses a detection method to detect a frame image included in an inputted image, which has gradation. Support for this feature may be found at least at page 12, line 22, to page 13, line 16, of the specification and Figures 5A through 5D of the drawings.

*Kuwata*, as understood by Applicant, relates to an image processing system used to enhance the visual qualities of an inputted photographic image. Apparently, *Kuwata* teaches detecting a black, white, or specific-color frame (see Figures 16 and 17; and column 25, lines 8-31).

Nothing has been found in *Kuwata* that is believed to teach or suggest an image processing apparatus that includes “a detector, arranged to detect an image area excluding a frame image contained in an inputted image,” wherein the “detector detects the frame image, which has gradation, by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest have a same hue and a difference between lightness and saturation having a predetermined value or less,” as recited in Claim 1. As understood by Applicant, *Kuwata* detects a black frame, a white frame, and a frame of a specific color. However, *Kuwata* does not use a detection method, as recited in Claim 1, to detect a frame with gradation. Applicant also submits that *Naoi et al.* fails to remedy the deficiencies of *Kuwata*.

Accordingly, Applicant submits that Claim 1 is not anticipated by *Kuwata*, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

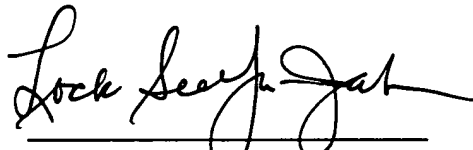
Independent Claims 9 and 17 are method and computer program product claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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